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### REMARKS

Claims 1-18 are pending in the application. Applicants amend the specification for a minor correction, and amend claims 1, 3-10, and 18 for clarification. No new matter has been added.

Applicants submitted a claim for foreign priority under 35 U.S.C. § 119 from Japanese Patent Application No. 2001-273190 (filed September 10, 2001), and a certified copy of the foreign priority application. Applicants respectfully request that the Examiner acknowledge the priority claim and receipt of all certified copies of priority documents.

Applicants also request that the Examiner indicate acceptance of the drawings.

The Examiner objected to claims 3, 10, 11, and 18 for a number of apparent informalities. Applicants amend claims 3, 10, and 18 to spell out the first instances of the objected-to terms, as requested by the Examiner. With regards to claim 11, Applicants respectfully submit that "D" is a letter designation that need not be spelled out. In view of the foregoing, Applicants respectfully request that the Examiner withdraw the objections.

Claims 1-18 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,772,219 to Shobatake. Applicants amend claims 1, 3-10, and 18 in a good faith effort to clarify the invention as distinguished from the cited reference, and respectfully traverse the rejection.

Shobatake describes a technique for routing messages over a connectionless communications network. Shobatake uses the term "bypass channel" in contrast to another term "default channel" in the context of routing messages within a message relay device. In particular, Shobatake describes using a bypass channel for a message path from one fixed port to

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another fixed port for a point-to-point connection, and using a default channel for connectionless communications. The use of such a bypass channel thus frees up the default channel for connectionless communications, which demands a "large amount of calculations." Abstract of Shobatake. Therefore, Shobatake, as cited and relied upon by the Examiner, merely describes a default channel for connectionless communications and a bypass channel for a point-to-point connection, and does not disclose the claimed features relating to a non-preemptible channel that is restricted from being used for restoration. Indeed, the cited portions of Shobatake do not disclose any restoration or any channels that are restricted from being used for any such restoration.

In other words, Shobatake, as cited and relied upon by the Examiner, does not disclose,

"[a] transmission device performing transmission control on a ring network comprising:  
a setting information relay unit relaying setting information that sets a specific channel as a non-preemptible channel restricted from being used for restoration;  
a channel establishment unit determining, by referring to the setting information, whether a channel of interest should be set as said non-preemptible channel and establishing the channel; and  
a route switch control unit recognizing a section in which said non-preemptible channel that is not used for restoration has been established and a fault bypass control condition at the time of occurrence of a fault and performing a route switching control based on a result of recognition," as recited in claim 1. (Emphasis added)

Accordingly, Applicants respectfully submit that claim 1, together with claims 2-8 dependent therefrom, is patentable over Shobatake for at least the above-stated reasons. Claims 9-10 and 18 incorporate features that correspond to those of claim 1 cited above, and are, therefore, together with claims 11-17 dependent from claim 10, patentable over Shobatake for at least the same reasons.

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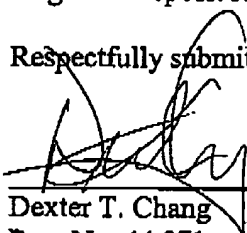
The above statements on the disclosure in the cited reference represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the reference that provide the basis for a view contrary to any of the above-stated opinions.

Applicants appreciate the Examiner's implicit finding that the additional references made of record, but not applied, do not render the claims of the present application unpatentable, whether these references are considered alone or in combination with others.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

  
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